

MINUTES OF MEETING  
NORTH CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
OCTOBER 21, 2013

The North Cass Water Resource District Board met on October 21, 2013, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Michael R. Buringrud, Chairman; Wes Ecker, Manager; Robert Thompson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Kurt Lysne, Engineer for the Board; and Brady Woodard, Moore Engineering, Inc.

**Drain #13 Channel Improvements Phase V**

Brady Woodard updated the Board on the Drain #13 Channel Improvements Phase V Project. Excavation is near completion on the channel and seeding has begun on the east side.

It was moved by Manager Thompson and seconded by Manager Ecker to authorize the Chairman to sign the pay estimate for Drain #13 Channel Improvements Phase V in the amount of \$161,934.63. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Ecker and seconded by Manager Thompson to authorize Moore Engineering, Inc. to hire a contractor to remove silt buildup on Drain #13, north of Cass County Highway 4, at a cost not to exceed \$10,000, if necessary. Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #201312 for David Baumler and Rick Burgum in Section 23 of Gunkel Township**

The Board reviewed *Application to Install a Subsurface Drain No. 201312* for David Baumler and Rick Burgum. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicants seek to install a drain tile system in the N 1/2 and the SW 1/4 of Section 23 in Gunkel Township, Cass County, North Dakota. The project will include two outlets. The first outlet will be a gravity outlet that will discharge via an underground pipeline to the west, across the South 1/2 NE 1/4 of Section 22 in Gunkel Township; the pipeline easement will daylight and will discharge into the south branch of the Elm River. The second outlet will be a pump outlet located in the northeast corner of Section 23. The pump outlet in the northeast corner will convey water to the east in the south road ditch of Cass County Highway 34, along the north boundary of Section 24.

With regard to the gravity outlet to the west, no *Thirty-Day Notice* was necessary under N.D. Cent. Code Section 61-32-03.1. However, with regard to the pump outlet in the northeast corner of Section 23, the Board provided *Thirty-Day Notices* to Cass County regarding the Highway 34 right-of-way, and to the owners of the N 1/2 N 1/2 of Section 24.

According to records on file with the Cass County Recorder's Office, David Baumler owns that portion of the NW 1/4 of Section 23 where Applicants intend to install the tile system; further, Rick Burgum owns the NE 1/4 of Section 23 and the SW 1/4 of Section 23. With regard to downstream landowners, Cass County holds easements regarding its Highway 34 right-of-way in Section 24. Keith and Bette Blixt own the N 1/2 NW 1/4 of Section 24; and the F. Walter Pearson Family Limited Liability Limited Partnership II owns the N 1/2 NE 1/4 of Section 24.

It was moved by Manager Thompson and seconded by Manager Ecker to approve *Application to Install a Subsurface Drain No. 201312* for David Baumler and Rick Burgum in the N 1/2 and the SW 1/4 of Section 23 in Gunkel Township, subject to the following conditions:

1) That Applicants obtain and record (with the Cass County Recorder's office) flowage easements (and not just written consents), including language that permits saline water, from the owners of the following parcels in Gunkel Township, Cass County, North Dakota:

- a. The N 1/2 NW 1/4 of Section 24; and
- b. The N 1/2 NE 1/4 of Section 24;

2) That Applicants obtain and record (with the Cass County Recorder's office) a permanent easement (and not just a written consent) that permits Applicants to install, operate, and maintain a buried pipe from the owner of the S 1/2 NE 1/4 of Section 22 in Gunkel Township, Cass County, North Dakota;

3) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;

4) That Applicants obtain written permission from Cass County to discharge into, or otherwise utilize, any of its Cass County Highway 34 right-of-way;

5) That Applicants notify the North Cass Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;

6) That Applicants notify the North Cass Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and

7) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

### **Minutes**

It was moved by Manager Thompson and seconded by Manager Ecker to approve the minutes of the September 24, 2013, meeting. Upon roll call vote, the motion carried unanimously.

### **Bills**

It was moved by Manager Ecker and seconded by Manager Thompson to approve payment of Checks #3821 through #3828 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Buringrud, Thompson and Ecker. Motion carried.

### **Drain #31 – slide along Cass County Highway 2 in Section 18 of Noble Township**

It was moved by Manager Ecker and seconded by Manager Thompson to hire Comstock Construction, Inc. to repair the slide on Drain #31 along Cass County Highway 2 in Section 18 of Noble Township at an estimated cost of \$20,710.00, with 50% cost-share from Cass County. Upon roll call vote, the motion carried unanimously.

### **Adjournment**

There being no further business for the Board to consider, it was moved by Manager Thompson, seconded by Manager Ecker and unanimously carried to adjourn the meeting.

APPROVED:

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Michael R. Buringrud  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer